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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/789,280   | 02/27/2004  | Jon Washington       | D-1209                    | 8196             |
| 28995  | 7590        | 04/05/2005           | EXAMINER<br>PAIK, STEVE S |                  |
| RALPH E. JOCKE<br>walker & jocke LPA<br>231 SOUTH BROADWAY<br>MEDINA, OH 44256 |             |                      | ART UNIT<br>2876          | PAPER NUMBER     |

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/789,280 | <b>Applicant(s)</b><br>WASHINGTON ET AL. |  |
|                              | <b>Examiner</b><br>Steven S. Paik    | <b>Art Unit</b><br>2876                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 45-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 45-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20050402</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Receipt is acknowledged of the Amendment filed January 11, 2005. The Applicant amended claims 1, 49, 56-62.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 45-49, and 53-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. (US 6,786,354) in view of McGunn et al. (US 6,724,303).

Re claims 1, 49, and 56-58, Black discloses a media cassette (10) for used in an automated banking machine (ATM; col. 1, ll. 5-16). The cassette stores banknotes 34 (media) and includes a lock (latch 16). The latch is a movable locking member that moves between a locked position (closed) and an unlocked position (open). The dictionary.com website defines a latch as: a fastening, as for a door or gate, typically consisting of a bar that fits into a notch or slot and is lifted from either side by a lever or string; a spring lock, as for a door, that is opened from the outside by a key. The definition clearly indicates that there is a movement to operate a latch. Furthermore, a latch is a lock to secure items stored inside a chest. Hence, a latch is a movable locking member preventing a chest from being opened when it is in the locked position.

However, Black does not disclose the locking member is controlled by an electronic lock control.

McGunn discloses a safe comprising an electronic lock, an electronic lock control unit, and a security device coupled to the electronic lock. The safe having an electronic locking system (100) provides remote access to the locking system and monitoring and auditing functions to keep the accurate transactions record of the safe. The electronic locking system comprises, among other things, a keypad (224), a control circuit (220), a power supply, and a display (223). The electronic locking system offers its users an improved security of the safe with a precise transactions record of the safe.

In view of McGunn teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ an electronic locking system in addition to the media cassette of Black due to the fact that improved and enhanced security of the media cassette can be accomplished for the purposes of allowing its users remote access with complete transactions record of the media cassette. Furthermore, such modification of employing an electronic locking system to the teachings of Black would have been an obvious matter of design variation, well within the ordinary skill in the art, and therefore an obvious expedient.

Re claims 45 and 59, Black in view of McGunn discloses the apparatus and method as recited in rejected claims 1 and 58 stated above, wherein the keypad (224) is operative to receive a lock combination, wherein the combination comprises a sequence of inputs, and wherein the electronic lock control is operative to move the locking member to the unlocked position responsive to the combination entered into the keypad (col. 3, ll. 34-60).

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Re claim 46, Black in view of McGunn discloses the apparatus and method as recited in rejected claim 45 stated above, wherein the keypad includes an electronic programmable keypad (col. 3, ll. 34-60 and col. 4, ll. 23-30).

Re claim 47, Black in view of McGunn discloses the apparatus and method as recited in rejected claim 46 stated above, wherein the electronic lock control is operative to receive input to change the lock combination (col. 3, ll. 34-60).

Re claim 48, Black in view of McGunn discloses the apparatus and method as recited in rejected claim 47 stated above, wherein the combination includes multiple combinations of numbers (col. 3, ll. 34-60 discloses that the electronic lock 104 further includes a lock control circuit 225 for controlling one or more locks of the safe. It is fairly suggested that user's ID may be modified in accordance with user's need).

Re claims 61, and 62, Black in view of McGunn discloses the apparatus and method as recited in rejected claims 47 and 59 stated above, wherein the combination includes multiple cassette access codes (col. 3, ll. 34-60 discloses that the electronic lock 104 further includes a lock control circuit 225 for controlling one or more locks of the safe. It is fairly suggested that user's ID may be modified in accordance with user's need).

Re claims 53 and 60, Black in view of McGunn discloses the apparatus and method as recited in rejected claims 45 and 59 stated above, wherein the keypad includes plural buttons, wherein the keypad is operative to receive the combination via the buttons (col. 3, ll. 34-60).

Re claim 54, Black in view of McGunn discloses the apparatus and method as recited in rejected claim 53 stated above, wherein the keypad includes an LED adjacent each button (Black

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discloses an array of LED for indicating a condition of the media cassette. It is well known in the art, that an LED is used in an electronic circuit to indicate a status of an input or an output.)

Re claim 55, Black in view of McGunn discloses the apparatus and method as recited in rejected claim 53 stated above, wherein the cassette includes an LCD panel (display 223).

4. Claims 50-52 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. (US 6,786,354) as modified by McGunn et al. (US 6,724,303) as applied to claim 1 above, and further in view of Kuel et al. (GB 2,202,066A).

The teachings of Black in view of McGunn have been discussed above with the exception of a power source being a rechargeable battery.

Kuel discloses an electronic lock (33) attached to a briefcase comprising a wireless receiver (3) and a rechargeable battery (32). The battery is recharged via an inductive charging port (pages 8 and 9). The rechargeable battery provides a user of the electronic locking system with a portability and extended life of a power source.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a portable and rechargeable power source of Kuel into the teachings of Black in view of McGunn for the purpose of promoting mobility to a container for storing valuable items such as the media cassette of Black.

#### ***Response to Arguments***

5. Applicant's arguments filed January 11, 2005 have been fully considered but they are not persuasive.

#### **Rejections under 35 U.S.C. § 103 (a)**

The applicant argues on pages 10-12 that the cited reference does not teach or suggest a lock including a “movable locking member” and “with the locking member in the locked position the cassette is prevented from being opened”.

The examiner respectfully disagrees. As discussed and presented above, a latch in Black (US, 6,786,354) may reasonably interpreted as a movable locking means which prevents a chest from being opened in the locked position. The dictionary.com website defines a latch as a spring lock, as for a door, that is opened from the outside by a key. It is obvious that without a key the lock will not be opened. Accordingly, it is interpreted that the lock in Black reference reads on the recited features in amended claims.

McGunn's invention of monitoring a safe is believed to be analogous to a media cassette for storing currency. Both are designed to store valuables such as money, banknotes, jewelry, etc. Without a proper unlocking tool or combination, they will not be opened easily. Therefore, a safe and a media cassette are interpreted as analogous.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

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In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Accordingly, claims 1 and 45-63 remain rejected under 35 U.S.C. § 103(a).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Steven S. Paik  
Primary Examiner  
Art Unit 2876

ssp